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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/898,827	06/15/92	BARRIS	MINROE-002A

RAMIREZ, E

EXAMINER

23M1/0720

KNOBBE, MARTENS, OLSON AND BEAR  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH, CA 92660-8016

ART UNIT	PAPER NUMBER
2314	

07/20/94

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 4/19/94 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 03 month(s), days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-20 are pending in the application.

Of the above, claims are withdrawn from consideration.

2. ☐ Claims have been cancelled.

3. ☐ Claims are allowed.

4. ☒ Claims 1-20 are rejected.

5. ☐ Claims are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable, ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on, has been ☐ approved, ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. ; filed on

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

1. This is responsive to communication filed on 4/19/94.
2. The prior art submitted on 4/19/94 has been received and considered. See PTO-1449.
3. The rejection under 35 USC 112, second paragraph, is vacated.
4. The rejection under 35 USC 102 of claims 1-14 and 17-20 is incorporated by reference.
5. The rejection under 35 USC 103 of claims 15-16 is incorporated by reference.

6. Remarks

Applicant asserts that the rejection of the claims should be vacated because the claims are directed to a "computer station" and the reference relied on, Swinehart, teaches a workstation coupled to an etherphone. Applicant's disclosure, page 6, describes the network station as comprising computer and audio processing system. The definition of computer station as found in applicant's disclosure does not indicate one single unit. Additionally, since the workstation and etherphone are to be found next to each other in figure one (Swinehart) they can also be considered as a single unit. Applicant asserts that the claimed invention distinguishes because the computer and audio go through the same interface. Applicant is reminded that Swinehart shows the workstation and the etherphone going through the ethernet, this clearly illustrates the same interface. Applicant, further, asserts that there is a reduction in hardware, and the control is made more efficient. The Examiner fails to see these limitations in the claimed invention.

Additionally, applicant asserts that a microphone and speaker is a further limitation of the network interface. The claims do not indicate that these devices further limit the network interface. These devices only further define the computer station. The Applicant is reminded that Swinehart states a computer station which is made up of a workstation, microphone, and speaker. See figure one. The features highlighted by applicant do not indicate allowability over the Swinehart publication. Claims 1-14 do not define patentable subject matter over the publication of Swinehart.

Applicant's next argument is directed to claims 15-16 which stand rejected under 35 USC 103. The claims have been amended to highlight the arbitration data value. The data value is a number assigned to each network for resolving collisions or for resolving who gets to transmit and who does not. This is who gets the short straw approach to resolving arbitrations.

As a general matter the Examiner may "provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness." Ex parte Levengood, 28 USPQ 2d 1300, 1301 (BPAI 1993).

The Tanenbaum publication was used to show the problem dealing with transmission of data between networks. The text of Tanenbaum, mentioned in the office action, showed how the networks decided who is going to transmit and when. A careful reading of Tanenbaum shows that one can increase the randomization interval by a constant amount. If we had the present arrangement of only two

stations communicating with each other the algorithm described by Tanenbaum would perform essentially the same way. For example, in a collision the network will pick a slot in which to retransmit. When Tanenbaum speaks of setting the interval by a constant amount those in the art would conclude that one can program the stations to transmit at a different interval depending on the initialization of the algorithm. The following is possible, a collision occurs then one computer can transmit at the next time interval and the second computer can transmit at two time intervals later. Thus, it seems clear that one can prioritize the arbitration of collisions in different ways.


7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner E.B. Ramirez whose telephone number is (703) 305-9786.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

ER/hh  
July 19, 1994



**ELLIS B. RAMIREZ**  
**PATENT EXAMINER**  
**GROUP 2300**